

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ROBERT J. PARKER,)	4:14CV3195
)	
Plaintiff,)	
v.)	ORDER
)	
CRETE CARRIER COPORATION,)	
)	
Defendant.)	
_____)	
IN THE MATTER OF:)	BK14-42112
)	A15-4018
CHRISTIE M. PARKER and)	
ROBERT JOHN PARKER,)	CHAPTER 13
)	
Debtors.)	

This matter is before the court upon the Report and Recommendation of the United States Bankruptcy Judge, who recommends that (a) the referral of this adversary proceeding be withdrawn; and (b) all proceedings in this court should be stayed until such time as the plaintiff or other appropriate party in interest obtains an order of the United States Bankruptcy Court authorizing the employment of Plaintiff's attorney to proceed with the litigation in this court.¹ No objection to the Report and Recommendation has been filed by any party within the time permitted by [NEGenR 1.5\(b\)\(2\)](#). I will adopt the Report and Recommendation.

¹The United States Bankruptcy Judge states: "[T]he debtor in bankruptcy is the plaintiff in this proceeding seeking damages against the defendant. As such, this proceeding is not an action against the debtor and is not subject to the automatic stay of 11 U.S.C. § 362(a). The cause of action is, however, property of the bankruptcy estate. Debtor must seek permission of the bankruptcy court to employ counsel to pursue the cause of action in accordance with Local Rules and the Federal Rules of Bankruptcy Procedure." (Filing [25](#).)

IT IS ORDERED:

1. Pursuant to the Report and Recommendation of the United States Bankruptcy Judge (Filing [25](#)), the referral of this matter to the bankruptcy court is withdrawn;
2. All proceedings in this court with regard to this case shall be stayed until such time as Plaintiff or other appropriate party in interest obtains an order of the United States Bankruptcy Court authorizing the employment of Plaintiff's attorney to proceed with the litigation in this court; and
3. The Clerk of Court shall provide Magistrate Judge Zwart with a copy of this order.

DATED this 11th day of May, 2015.

BY THE COURT:

Richard G. Kopf

Senior United States District Judge

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